279

App.[C]F. IX-4

1950-54
(CB)

File No. 37-50

Serial Nos. 3

Previous References.
C.B. 253-49-2

Later References.
CBs 1[illegible] 91-54- 8, 9, 10

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

✓

Part B for October 50

SUBJECT

Orders of Punishment—

No. 10078-10177/CB/37-50-3 of 13 Oct 1950

To The Secretaries to Govt
Heads of Departments

Issues instructions regarding the forms in which — should be punished & Commencement

WD 010861—GPB—25,000—18-9-50

WD 010975—GPB—2,000—20-7-50

Serial No.

O.M.No 7/33/50-Estt dt 14-8-1950 from the Home Ministry Govt of India, forwarding for information a copy of Home Ministry O.M.No. 7/33/50-Estt dt 14-8-1950 forwarding specimens of orders of dismissal & removal of officers.

1) CB: Please note on this with reference to previous letter & G.O. to provisions of the Constitution.

Rtd KS 11.8.50.
KMR 16/8

2) The previous references on the subject have not been received from Govt of India.

3) under clause 2 of Article 166 read with clause 1 of the Article 312 of the Constitution of India, case order No. 10646/CB 253-49-2 dt 26-1-1950 was issued by this Government.

4) Articles 262 & 263 of the General Circulars and Standing orders contain instructions as to when and how dismissals and removals of officers from service

NOTE—Contn. Sheet.

Serial No.

have to be notified.

Transactions & between various transactions / of orders: 5) Copies of this O.M. CKP 6/9/50 will be sent to the Secretaries for information if appd.

CKP 6/9/50

6) All that is necessary is perhaps to issue an O.M. on the lines of the Ministry of Home Affairs O.M. dt 14.8.50 to supplement the O.M. dt 18.4.50. This will be done, if approved. K

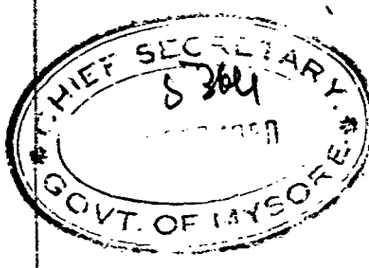
7.9.50 7) Please put up a draft O.M. for consideration.

Sd/- 7.9.50.

8) Draft O.M. is put up as per instructions, for consideration.

Chief Secy

8/9/50. 9) Sd/- 8/9/50



8.9.50. 10) Appendix I can not be used by us at any time, conceivably. Orders that form with is one from the Appropriate Ministry in G.O.I. & with also be communicated to the Govt Concerned. Direct.

11) We have to draft Appendix I by inserting "H.H. the Maharaja". Whereas

Instructions for removing orders of dismissal. 2719/CB.

[App. F. III-2

General and Revenue Secretariat | File No. | of 19

WD 06035—GPB—1,000—20-6-49

Serial No.

The term 'President' occurs.

12) Appendix II can also be cancelled, with suitable modifications.

13 Rather than send out the G.O.I. O.M. as it is, we might adapt the forms, and send them out.

VB
5.9.50
amk
9.9.50

A revised draft O.M. is put up for consideration.

HDD
20/9/50

Please put up a fair draft.

20.9.50

Fair draft is put up

HDD
21/9/50 Chief Secy)

amk
21.9.50

21.9.50

VB
21/9

Chief)

amk
22/9/50

Office of the Chief Minister
No. 4666
Date of Receipt 9-24-9

CHIEF SECRETARY
672
21 SEP 1950
GOVT. OF MYSORE

VCO.
11/10

VB
11/10

amk
13/10/50

CHIEF SECRETARY
3284
12 OCT 1950
GOVT. OF MYSORE

Issued No. 10078-10177/CB 37-50-3 dy 13.10.50 to the Secs to Govt Heads of Deptt. Issued instructions re forms to be used for punishments etc.

10199/CB 13.10.50

A copy of OM 150 sent to the Dir of Printing & Stationery for preparing and sending to us 100 copies. He has not yet sent them

P.T.O.

Dir of Printing & Stationery for preparing 100 Copies

NOTE—Contn. Sheet

Orders of punishment. Forms in which they should be passed and Communicated.

File No. of 19 .

General and Revenue Secretariat

Serial No.

a draft of reminder is put up for appr/

HDD 26/10.

Issue Sd/- 27.10.50

Issued No. 10866/CB. Dt 27-10-50.

26.10.50.

to the Dir of Printing & Stationery. reminds to send printed Copies very early.

Copies have not yet been received. Another reminder is put up for approval

HDD 14/11/50.

Issue Sd/- 15/11/50

Issued No. 11466/CB Dt 15/11/50.

14.11.50.

to the Dir Printing etc. reminds to send the Copies very early.

Copies recd on 22nd NOV 50.

2719/C
SW HPD

No. 7/33/50-Ests.
Government of India,
Ministry of Home Affairs.

NEW DELHI-2, the 14th August, 1950.

OFFICE MEMORANDUM.

Subject:- Orders of punishment - form in which they should be passed and communicated to the persons concerned.

...

The undersigned is directed to say that orders of removal, dismissal etc. of officers holding civil posts are sometimes not specifically expressed to have been made by or in the name of the competent authority, with the result that the validity thereof is rendered liable to technical objections. The correct form to be employ in such cases is therefore indicated in the following paragraphs for information and guidance.

2. (i) When the competent authority is the President, the order of punishment should be made in the name of the President and should be authenticated by the signature of the appropriate officer specified in the Office Memorandum of this Ministry No. 34/12/49-Public dated the 9th March 1950, as amended from time to time. The form of the order may be as in Appendix I to this Office Memorandum.

(ii) In the case of such an order in respect of an officer of an All-India Service serving under a State Government, the original order should be retained with the Ministry administratively concerned and an authenticated copy of the order should be sent to the State Government concerned with a suitable covering letter requesting them to communicate the order to the officer concerned directly. No formal order need then be drawn up by the State Government. In the case of such an officer serving under the Central Government, however, the order may be communicated to him direct by the Ministry administratively concerned; a copy of the order may also be sent to the Government of the State on whose cadre he is borne.

3. Where the order of punishment is to be made by an authority subordinate to the President in exercise of the powers specifically delegated to such authority (e.g. a Secretary or a Deputy Secretary to the Government of India in the Ministry concerned, the Chief Commissioner of a Part-C-State, the Head of a Department etc.), it may be in the form indicated in Appendix II, and should be signed by such authority personally. It would not be sufficient if any other authority signs as for such authority.

4. These instructions relate merely to the form in which the final orders may be made and communicated, and are applicable only

after/ .....

after the stage at which a decision to make an order of removal, dismissal, etc. is reached by the competent authority. They do not affect the procedure to be followed in such cases in other respects as prescribed in the relevant rules or instructions.

(B. D. Tewari)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

To

All Ministries of the Government of India, etc.

—

No. 7/33/50-Ests. New Delhi-2, the 14th August, 1950.

Copy forwarded for information to all State Governments (including Part C & D States).

(C.B. Gulati)
Under Secretary to the Government of India.

Copy to D.S(R), (DS(E), US(C), DS(P), US(A), C.S. Section, NGS Section, Police Section, Andaman Section, Admn. Section, D.G.S. Section.

(Dhawan).
130-Copies.

A P P E N D I X I

Ministry of
Government of India.

No. Dated, New Delhi,
the _____

Order

The President is hereby pleased to dismiss*
remove*

Mr. _____ from the _____ Service*

_____
Service*

with effect from # _____.

Signature _____

Designation. Secretary
Joint Secretary
Dy. Secretary to the Govt.
Under Secretary of India.
Asstt. Secretary

* Strike out whichever is inappropriate.
# Here enter the date on which orders of dismissal are passed by the competent authority.

A P P E N D I X II

Ministry of*
Deptt. of*

Government of India*

No. Dated the _____

Order

I, the undersigned, do hereby dismiss*
remove*
Mr._____ from the _____Service*

_____
Service*

with effect from ## _____.

Signature _____
Name _____

Designation of Officer _____
competent to dismiss*from
remove*
service.

*Strike out whichever is inappropriate.
##Here enter the date on which orders of dismissal are passed by the competent authority.

D r a f t).

No. 10,078 - 10,177/C.B.37-50-3 Dated 13.10.1950

OFFICIAL MEMORANDUM

Subject: Orders of punishment - Forms in which they should be passed and communicated.

Reference: Official Memorandum No.757-766/C.B.37-50-1 dated 18th April 1950.

*****

The orders of removal, dismissal, punishment etc., of Officers holding Civil posts are sometimes not specifically expressed to have been made by or in the name of the competent authority with the result that the validity thereof is rendered liable to technical objections. The correct form to be employed in such cases is therefore indicated in the following paragraphs for information and guidance.

When the competent authority is the Government the order of punishment should be made in the name of His Highness the Maharaja and should be authenticated by the signature of the appropriate Officer specified in Notification No.10646/C.B.253-49-2 dated 26th January 1950 as amended from time to time. The form of the order may be as in Appendix I to this Official Memorandum.

Where the order of punishment is to be made by an authority subordinate to the Government in exercise of the powers specifically delegated to such authority (e.g. the Head of a Department etc.,) it may be in the form indicated in Appendix II, and should be signed by such authority personally. It would not be sufficient if any other authority signs as for such authority.

These instructions relate merely to the form in which the final orders may be made and communicated, and are applicable only after the stage at which a decision to make an order of removal, dismissal, etc. is reached by the competent authority. They do not affect the procedure to be followed in such cases in other respects as prescribed in the relevant rules or instructions.

or instructions.

Chief Secretary to Government.

To

The Secretaries to Government.
The Heads of Departments.

S.O

LC/-

APPENDIX - II

Govt. of Mysore.

No. Office of

Dated.....

ORDER

I, the undersigned, do hereby dismiss/remove Sri.....

from the.... .....Service with effect from.....

Signature.....

Name.....

Designation of the Officer competent to dismiss/remove from service.

****

LC/-

Appendix F. G.—1]

SUBJECT Orders of punishment — Forms in which they should be passed and communicated

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 10866/EB. Encl 1 dt. 27.10.1950

To

The Dir. of Printing etc.

General and Revenue Secretariat

( )

the 19 .

Sir,

I am directed to invite your attention to No. 10199/EB.A dt. 13.10.50 forwarding a copy of O.M. No. 10078-10174/EB.37-50-3 dt. 13.10.50 on the above subject and to request you to send the printed copies very early.

Yours faithfully

Sd/- 27/10/50

for Chief Secy to Govt

Date of issue .....

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

26/10/50

26.10.50

Appendix F. G.—1]

SUBJECT Order of punishment - forms in which they should be passed and communicated.

Section

File No.

Serial No.

Diary No. of letter replied to

No. 11466/CB Dt. 15-11-50

To

The Dir of Printing etc.

General and Revenue Secretariat

( )

the 19 .

Sir,

~~Subject~~ In inviting your attention to this office No. 10199/CB Dt 13-10-50 and reminder No. 10866/CB Dt. 27-10-50 on the above subject I am directed to request you to forward the printed copies as requested, ~~immediately~~ without further delay.

Yours faithfully.

Dy Chief Secy to Govt 15/11/50

Date of issue

Signed by

List of enclosures

Copied by

Examined by

14/11/50

14.11.50.

WD 06171—GPB—30,000—4-6-49

11466/CB

A. 15-11-50.

The Director of Printing & Stationery in Mysore,
Bangalore.

Subject: Order of punishment - Forms in which they should be passed and communicated.

*****

In inviting your attention to this office No.10199/C.B. dated 13th October 1950 and reminder No.10866/C.B. dated 27th October 1950 on the above subject, I am directed to request you to forward the printed copies as requested without further delay.

Yours faithfully,

O/C

15/11/50

Chief Secretary to Government.

LC/2

C. F. No. 46]

No. P.W.S.3062
Encls.

GOVERNMENT OF MYSORE

OFFICE OF The Director of Printing, Stationery and Publications, Govt. Press, Bangalore.

9 JAN 1951
5654

Date 5th January 1951.

To

The Chief Secretary to Government,

Bangalore.

Sir,

Subject: Orders of Punishment form in which they should be passed and communicated.

With reference to your letter No.10866/C.B. dated 27-10-1950, on the above subject, I have the honour to state that 220 printed copies of the Official Memorandum No.10078-10177/C.B. 37-50-3 dated 13-10-50 have been supplied to your office on 21-11-1950.

Yours faithfully,

DIRECTOR. 5/1/51

HRR/-

CHIEF SECRETARY
83
8 JAN 1951
GOVT. OF MYSORE

S.O.

GOVERNMENT OF MYSORE

GENERAL AND REVENUE DEPARTMENTS.

No. 10078-10177—C.B. 37-50-3, dated 13th October 1950.

Orders of Punishment.

Issues instructions regarding the forms in which —— should be passed and communicated.

No. 10078-10177—C.B. 37-50-3, DATED BANGALORE,
THE 13TH OCTOBER 1950.

OFFICIAL MEMORANDUM.

Reference: Official Memorandum No. 757-766—C.B. 37-50-1, dated 18th April 1950.

The orders of removal, dismissal, punishment, etc., of officers holding civil posts are sometimes not specifically expressed to have been made by or in the name of the competent authority with the result that the validity thereof is rendered liable to technical objections. The correct form to be employed in such cases is therefore indicated in the following paragraphs for information and guidance.

When the competent authority is the Government the order of punishment should be made in the name of His Highness the Maharaja and should be authenticated by the signature of the appropriate officer specified in Notification No. 10646—C.B. 253-49-2, dated 26th January 1950, as amended from time to time. The form of the order may be as in Appendix I to this Official Memorandum.

Where the order of punishment is to be made by an authority subordinate to the Government in exercise of the powers specifically delegated to such authority (*e.g.*, the Head of a Department, etc.), it may be in the form indicated in Appendix II, and should be signed by such authority personally. It would not be sufficient if any other authority signs as for such authority.

These instructions relate merely to the form in which the final orders may be made and communicated, and are applicable only after the stage at which a decision to make an order of removal, dismissal, etc., is reached by the competent authority. They do not affect the procedure to be followed in such cases in other respects as prescribed in the relevant rules or instructions.

K. SRINIVASAN,
Chief Secretary to Government.

To—The Secretaries to Government.
The Heads of Departments.

EXD.—T.N.S.

No. 10078-10177—C.B. 37-50-3, DATED 13TH OCTOBER 1950.

APPENDIX I.

GOVERNMENT OF MYSORE.

No. *Dated, Bangalore, the .....1950.*

ORDER.

His Highness the Maharaja is hereby pleased to dismiss/remove Shri.....
from the .....Service with effect from.....

Signature .....

Designation { Secretary / Under Secretary / Assistant Secretary } to Government of Mysore.

APPENDIX II.

GOVERNMENT OF MYSORE.

OFFICE OF.....

Dated.....

ORDER.

I, the undersigned, do hereby dismiss/remove Shri.....from
the.....Service with effect from.....

Signature.....

Name.....

Designation of the Officer competent to dismiss/remove from service.

WD 2456—GPB—495—20-11-50.

S.O.

GOVERNMENT OF MYSORE

GENERAL AND REVENUE DEPARTMENTS.

No. 10078-10177—C.B. 37-50-3, dated 13th October 1950.

Orders of Punishment.

Issues instructions regarding the forms in which —— should be passed and communicated.

No. 10078-10177—C.B. 37-50-3, DATED BANGALORE,
THE 13TH OCTOBER 1950.

OFFICIAL MEMORANDUM.

Reference: Official Memorandum No. 757-766—C.B. 37-50-1, dated 18th April 1950.

The orders of removal, dismissal, punishment, etc., of officers holding civil posts are sometimes not specifically expressed to have been made by or in the name of the competent authority with the result that the validity thereof is rendered liable to technical objections. The correct form to be employed in such cases is therefore indicated in the following paragraphs for information and guidance.

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Where the order of punishment is to be made by an authority subordinate to the Government in exercise of the powers specifically delegated to such authority (*e.g.*, the Head of a Department, etc.), it may be in the form indicated in Appendix II, and should be signed by such authority personally. It would not be sufficient if any other authority signs as for such authority.

These instructions relate merely to the form in which the final orders may be made and communicated, and are applicable only after the stage at which a decision to make an order of removal, dismissal, etc., is reached by the competent authority. They do not affect the procedure to be followed in such cases in other respects as prescribed in the relevant rules or instructions.

K. SRINIVASAN,
Chief Secretary to Government.

To—The Secretaries to Government.
The Heads of Departments.

EXD.—T.N.S.

No. 10078-10177—C.B. 37-50-3, DATED 13TH OCTOBER 1950.

APPENDIX I.

GOVERNMENT OF MYSORE.

No. *Dated, Bangalore, the .....1950.*

ORDER.

His Highness the Maharaja is hereby pleased to dismiss/remove Shri.....
from the .....Service with effect from.....

Signature .....

Designation { Secretary / Under Secretary / Assistant Secretary } to Government of Mysore.

APPENDIX II.

GOVERNMENT OF MYSORE.

OFFICE OF.....

Dated.....

ORDER.

I, the undersigned, do hereby dismiss/remove Shri.....from
the.....Service with effect from.....

Signature.....

Name.....

Designation of the Officer competent to dismiss/remove from service.

WD 2456—GPB—495—20-11-50.